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In proper

JOHN C. BROWN (State Bar # 195804)
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10 Attorneys for Defendant, STEVEN T. KIRSCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HOWARD HERSHIPS,

Plaintiff,

VS.

THE SUPERIOR COURT OF CALIFORNIA
COUNTY OF CALIFORNIA, *et al.*,

Defendants.

Case No.: C 06-CV-6644 JF/RS

PROOF OF SERVICE

I, JOHN C. BROWN, declare that I am employed in the County of San Francisco, California, over 18 years old, and not a party to the instant action. My business address is 580 California Street, Suite 1600, San Francisco, CA, 94104. On August 1, 2008, I served the following documents: Notice of Second Motion to Dismiss; Memorandum in Support of Motion; List for Judicial Notice; [Proposed] Order

(By mail) on all parties, to the addresses below, by placing true copies thereof

1 enclosed in a sealed envelope in a United States mailbox in San Francisco, California, with the
2 correct postage amount.

3 X **(By mail)** on the party identified below to the addresses below, by placing true
4 copies thereof enclosed in a sealed envelope in the firm's outgoing mailbox. I am familiar with the
5 firm's practice of collection and processing outgoing mail. It is deposited in a United States
6 mailbox in San Francisco, California, on that same day in the ordinary course of business. I am
7 aware that on motion of party served, service is presumed invalid if postal cancellation date or
8 postage meter date is more than one day after date of deposit for mailing in affidavit.

9 — **(By personal delivery)** on all parties by personally delivering true copies thereof to
10 the person and at the address set forth below before 5:00 p.m.

11 — **(By Federal Express)** on all parties by depositing true copies thereof in a sealed
12 packet for overnight mail delivery, with charges thereon fully prepaid, in a Federal Express
13 collection box, at San Francisco, California, and addressed as set forth below.

14 — **(By facsimile transmission)** on all parties by transmitting true copies thereof from
15 the firm's facsimile machine to the facsimile machine number(s) shown below per written
16 agreement between the party serving and the party receiving papers.

17 — **(By email)** on all parties below by sending true copies thereof to the email
18 address(es) below, per written agreement between the party serving and the party receiving papers.

19
20 Howard Herships

21 PO Box 190711

22 San Francisco, CA 94119-0711

23
24 I declare under penalty of perjury that the foregoing is true and correct. Executed on
25 August 1, 2008, at San Francisco, California.

26 *John C. Brown*

27 JOHN C. BROWN